

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MANUEL E. ABRANTE, III. Plaintiff, v. VINCENT GUARINI, et al., Defendants.	CIVIL ACTION NO. 12-6860
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**ORDER RE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT FOR
FAILURE TO EXHAUST AND FACTUAL FINDINGS**

AND NOW, this 30th day of June, 2015, upon consideration of Defendants Vincent Guarini, Joe Shiffler, and Ann Haines's Motion for Summary Judgment for Failure to Exhaust (ECF No. 57), Plaintiff's Response in Opposition to Defendants' for Summary Judgment (ECF No. 63), Defendants' Reply Brief in Support for Summary Judgment (ECF No. 64), and the parties' letter briefs following oral argument (ECF No. 70, ECF No. 71), it is hereby **ORDERED** that Defendants' Motion for Summary Judgment is **DENIED**.

It is further **ORDERED** that, upon consideration of the evidence presented by the parties in their briefing and for the reasons set forth in the accompanying memorandum of law, which constitute the Court's partial findings of fact and conclusions of law pursuant to Rule 52(a) of the Federal Rules of Civil Procedure, that Defendants have failed to meet their burden of proof on the issue of whether Plaintiff failed to exhaust administrative remedies as required by the Prison Litigation Reform Act of 1995 ("PLRA"), 42 U.S.C. § 1997e(a).

BY THE COURT:

/s/ Michael M. Baylson

MICHAEL M. BAYLSON, U.S.D.J.